

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Van Winkle *et al.*

Application No. 10/509,691

Filed: May 8, 2005

Confirmation No. 3095

For: GENERATION OF PLANTS WITH
IMPROVED DROUGHT TOLERANCE

FILED VIA EFS

Examiner: Vinod Kumar

Art Unit: 1638

Attorney Reference No. 6616-72613-04

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LETTER TO THE EXAMINER

The undersigned has made numerous attempts to contact Examiner Kumar regarding the Non-final Office action ("Action") dated May 1, 2007 and currently pending in this matter. According to the telephone system, Examiner Kumar has not subscribed to the voicemail service provided by the United States Patent and Trademark Office (PTO). Therefore, the undersigned cannot leave a message requesting a telephone conference to discuss this case. Further, the supervising examiner, Examiner Anne Marie Grunberg, is out of the office through August 25, 2007. Applicants thus submit this communication in an effort to notify Examiner Kumar as well as the PTO of our urgent need to speak with someone about the pending action in the present matter.

Applicants respectfully request that Examiner Kumar (or another examiner) contact the undersigned at the phone number listed below to discuss. The pending Action includes a fundamental flaw, in that the present application (U.S. Patent Publication No. US 2005/0257294 A1) is being employed to reject the claims as inherently anticipated.

Applicants therefore expressly request that Examiner Kumar (or another examiner) contact the undersigned to discuss the aforementioned matter. A courtesy copy of this document is being forward to Examiner Kumar at facsimile number 571-273-5444.

Respectfully submitted,

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